

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

PAUL J. McNALLY, as he is TRUSTEE,
MASSACHUSETTS LABORERS' HEALTH AND
WELFARE FUND and NEW ENGLAND LABORERS'
TRAINING TRUST FUND; JAMES MERLONI, JR.,
as he is TRUSTEE, MASSACHUSETTS LABORERS'
PENSION FUND and MASSACHUSETTS LEGAL
SERVICES FUND; MARTIN F. WALSH, as he is
TRUSTEE, MASSACHUSETTS LABORERS'
ANNUITY FUND,

Plaintiffs

vs.

ODF CONTRACTING CO., INC.,
Defendant

and

CITIZENS BANK,
Trustee

C.A. No. 03-12550 NG

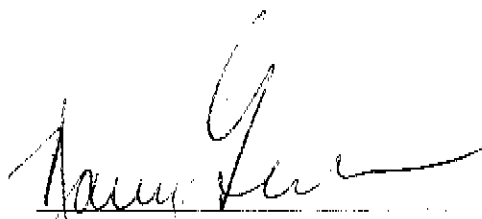
**FINDING AND ORDER OF EX PARTE
ATTACHMENT BY TRUSTEE PROCESS**

Upon consideration of plaintiffs' Ex Parte Motion for an Order of Attachment by Trustee Process, the Memorandum and Affidavits in support thereof, this Court hereby finds that plaintiffs are likely to recover judgment, including interest, liquidated damages, fees and costs, in an amount equal to or greater than the amount of the trustee process approved herein, that there is no liability insurance known or reasonably believed to be available, and that there is immediate danger that the defendants will dissipate or transfer the funds to be attached by trustee process.

It is, therefore, ordered that the assets of ODF Contracting Co., Inc. held by Citizens Bank, Trustee, be attached in the amount of \$170,861.40 subject to all applicable exemptions and limitations provided by law.

Dated: _____

1/15/04



Honorable Nancy Gertner
United States District Judge